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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Robert Landau,

Plaintiff,

v.

AEG Presents LLC,

Defendant.

Case No:

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff Robert Landau ("*Plaintiff*"), by and through his undersigned counsel, for his Complaint against Defendant AEG Presents LLC ("*Defendant*") states and alleges as follows:

**INTRODUCTION**

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §501.

2. Plaintiff created a photograph of billboards on the Sunset Strip in 1978

1 (the “*Photograph*”) in which Plaintiff owns the rights and licenses for various uses  
2 including online and print publications.

3  
4 3. Defendant is an American global sporting and music entertainment  
5 presentation company that owns and operates the “The Roxy Theater” Facebook  
6 Account (the “*Account*”).

7  
8 4. Defendant, without permission or authorization from Plaintiff, actively  
9 copied and/or displayed the Photograph on the Account and engaged in this  
10 misconduct knowingly and in violation of the United States copyright laws.

### 11 **PARTIES**

12  
13 5. Plaintiff Robert Landau is an individual who is a citizen of the State of  
14 California and resides in Los Angeles County, California.

15  
16 6. Upon information and belief, Defendant AEG Presents LLC, is a  
17 California limited liability company with a principal place of business at 800 West  
18 Olympic Boulevard, Suite 305, Los Angeles in Los angeles County, California.

### 19 **JURISDICTION AND VENUE**

20  
21 7. This Court has subject matter jurisdiction over the federal copyright  
22 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

23  
24 8. This Court has personal jurisdiction over Defendant because it  
25 maintains its principal place of business in California.

26  
27 9. Venue is proper under 28 U.S.C. §1391(b)(2) because Defendant does  
28

1 business in this Judicial District and/or because a substantial part of the events or  
2 omissions giving rise to the claim occurred in this Judicial District.

3  
4 **FACTS COMMON TO ALL CLAIMS**

5 **A. Plaintiff's Copyright Ownership**

6 10. Plaintiff is a professional photographer by trade who is the legal and  
7 rightful owner of certain photographs which Plaintiff commercially licenses.

8 11. Plaintiff has invested significant time and money in building Plaintiff's  
9 photograph portfolio.

10 12. Plaintiff has obtained active and valid copyright registrations from the  
11 United States Copyright Office (the "*USCO*") which cover many of Plaintiff's  
12 photographs while many others are the subject of pending copyright applications.

13 13. Plaintiff's photographs are original, creative works in which Plaintiff  
14 owns protectable copyright interests.

15 14. On March 9, 2012, Plaintiff published the Photograph. A copy of the  
16 Photograph is attached hereto as Exhibit 1.

17 15. In creating the Photograph, Plaintiff personally selected the subject  
18 matter, timing, lighting, angle, perspective, depth, lens and camera equipment used  
19 to capture the image.

20 16. On May 7, 2021, the Photograph was registered by USCO under  
21 Registration No. VA 2-253-647.

1           17. Plaintiff created the Photograph with the intention of it being used  
2 commercially and for the purpose of display and/or public distribution.

3  
4           18. Plaintiff published the Photograph by commercially licensing it to a  
5 Angel City Press for the purpose of display and/or public distribution.

6 **B. Defendant's Infringing Activity**

7  
8           19. Defendant is the operator of the Account and is responsible for its  
9 content.

10           20. The Account is a part of and used to advance Defendant's commercial  
11 enterprise.

12  
13           21. The Account is monetized in that it contains advertisements to events  
14 at its live music venue and increases traffic to its venue, upon information and belief,  
15 Defendant profits from these activities.

16  
17           22. On or about March 2, 2022 Defendant displayed the Photograph on the  
18 Account as part of a post at URL [https://www.facebook.com/theroxy/photos/](https://www.facebook.com/theroxy/photos/a.10150639577278000/10160204660833000/?type=3&is_lookaside=1)  
19 [a.10150639577278000/10160204660833000/?type=3&is\\_lookaside=1](https://www.facebook.com/theroxy/photos/a.10150639577278000/10160204660833000/?type=3&is_lookaside=1). A copy of a  
20 screengrab of the Account including the Photograph is attached hereto as Exhibit 2.  
21

22           23. Without permission or authorization from Plaintiff, Defendant  
23 volitionally copied and/or displayed Plaintiff's copyright protected Photograph on  
24 the Account.  
25

26           24. Plaintiff first observed and actually discovered the Infringement on  
27  
28

1 April 7, 2022.

2 25. Upon information and belief, the Photograph was copied and displayed  
3 by Defendant without license or permission, thereby infringing on Plaintiff's  
4 copyrights in and to the Photograph (hereinafter referred to as the "*Infringement*").  
5

6 26. The Infringement includes a URL ("*Uniform Resource Locator*") for a  
7 fixed tangible medium of expression that was sufficiently permanent or stable to  
8 permit it to be communicated for a period of more than transitory duration and  
9 therefore constitutes a specific infringement. *17 U.S.C. §106(5)*.  
10

11 27. The Infringement is an exact copy of Plaintiff's original image that was  
12 directly copied and displayed by Defendant on the Account.  
13

14 28. Upon information and belief, Defendant takes an active and pervasive  
15 role in the content posted on its Account, including, but not limited to copying,  
16 posting, selecting, commenting on and/or displaying images including but not  
17 limited to Plaintiff's Photograph.  
18

19 29. Upon information and belief, the Photograph was willfully and  
20 volitionally posted to the Account by Defendant.  
21

22 30. Upon information and belief, the Infringement was not posted at the  
23 direction of a "user", as that term is defined in 17 U.S.C. §512(c).  
24

25 31. Upon information and belief, Defendant was aware of facts or  
26 circumstances from which the determination regarding the Infringement was  
27  
28

1 apparent. Defendant cannot claim that it was not aware of the infringing activities,  
2 including the specific Infringement which form the basis of this complaint, since  
3 such a claim would amount to only willful blindness to the Infringement on the part  
4 of Defendant.  
5

6 32. Upon information and belief, Defendant engaged in the Infringement  
7 knowingly and in violation of applicable United States copyright laws.  
8

9 33. Upon information and belief, Defendant has the legal right and ability  
10 to control and limit the infringing activities on its Account and exercised and/or had  
11 the right and ability to exercise such right.  
12

13 34. Upon information and belief, Defendant monitors the content on its  
14 Account.  
15

16 35. Upon information and belief, Defendant has received a financial benefit  
17 directly attributable to the Infringement.  
18

19 36. Upon information and belief, the Infringement increased traffic to the  
20 Account and, in turn, caused Defendant to realize an increase its sales to the events  
21 at its venue.  
22

23 37. Upon information and belief, a large number of people have viewed the  
24 unlawful copies of the Photograph on the Account.  
25

26 38. Upon information and belief, Defendant at all times had the ability to  
27 stop the reproduction and display of Plaintiff's copyrighted material.  
28



1           47. Without permission or authorization from Plaintiff and in willful  
2 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and  
3 illegally copied, reproduced, distributed, adapted, and/or publicly displayed works  
4 copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its  
5 copyrights.  
6

7  
8           48. Defendant's reproduction of the Photograph and display of the  
9 Photograph constitutes willful copyright infringement.

10           49. Upon information and belief, Defendant willfully infringed upon  
11 Plaintiff's copyrighted Photograph in violation of Title 17 of the U.S. Code, in that  
12 Defendant used, published, communicated, posted, publicized, and otherwise held  
13 out to the public for commercial benefit, Plaintiff's original and unique Photograph  
14 without Plaintiff's consent or authority, by using it on the Account.  
15  
16

17           50. As a result of Defendant's violations of Title 17 of the U.S. Code,  
18 Plaintiff is entitled to any an award of actual damages and disgorgement of all of  
19 Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504  
20 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for  
21 statutory damages against each Defendant for each infringement pursuant to 17  
22 U.S.C. § 504(c).  
23  
24

25           51. As a result of the Defendant's violations of Title 17 of the U.S. Code,  
26 the court in its discretion may allow the recovery of full costs as well as reasonable  
27  
28



1 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

2 52. As a result of Defendant's violations of Title 17 of the U.S. Code,  
3 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of his  
4 copyright pursuant to 17 U.S.C. § 502.  
5

6 **JURY DEMAND**  
7

8 53. Plaintiff hereby demands a trial of this action by jury.

9 **PRAYER FOR RELIEF**  
10

11 **WHEREFORE** Plaintiff respectfully requests judgment as follows:

12 That the Court enters a judgment finding that Defendant has infringed on  
13 Plaintiff's rights to the Photograph in violation of 17 U.S.C. §501 *et seq.* and  
14 therefore award damages and monetary relief as follows:  
15

- 16 a. finding that Defendant infringed Plaintiff's copyright interest in  
17 and to the Photograph by copying and displaying it without a  
18 license or consent;  
19  
20 b. for an award of actual damages and disgorgement of all of  
21 Defendant's profits attributable to the infringements as provided  
22 by 17 U.S.C. § 504(b) in an amount to be proven or, in the  
23 alternative, at Plaintiff's election, an award for statutory damages  
24 against each Defendant for each infringement pursuant to 17  
25 U.S.C. § 504(c), whichever is larger;  
26  
27  
28

- c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant from any infringing use of any of Plaintiff's works;
- d. for costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- e. for pre-judgment interest as permitted by law; and
- f. for any other relief the Court deems just and proper.

DATED: June 13, 2023

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